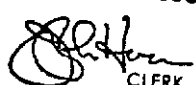


FILED
JUL 08 2008

CLERK

IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

ANDREA G. BJORNESTAD,

Plaintiff,

vs.

PROGRESSIVE NORTHERN
INSURANCE COMPANY,

Defendant.

CIV. 08- 4105

NOTICE OF REMOVAL

TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH DAKOTA, SOUTHERN DIVISION; THE CLERK OF THE CIRCUIT COURT, SECOND JUDICIAL CIRCUIT, LINCOLN COUNTY, SOUTH DAKOTA; AND TO THE PLAINTIFFS NAMED ABOVE AND THEIR ATTORNEY

Defendant respectfully notifies the Court as follows:

1. Defendant respectfully exercises its rights under 28 USC §§ 1441 and 1446, as amended, to remove this action from the Second Judicial Circuit, Lincoln County, South Dakota, in which this action is now pending.

2. This is a civil action of which the Court has original jurisdiction under 28 USC § 1332 and which may be removed to this Court by the defendants pursuant to 28 USC § 1441, in that plaintiffs have alleged a claim that is recognized under diversity jurisdiction, and the United States District Court has jurisdiction in that the amount in controversy may exceed the sum of \$75,000.

3. At the time of the commencement of this action, plaintiff Andrea Bjornestad was and now is a citizen or resident of the state of South Dakota.

4. At the time of the commencement of this action, defendant Progressive Northern Insurance Company, was and now is a corporation organized and existing under the laws of the state of Ohio, with its principal place of business in Ohio.

5. Service of the summons and complaint was admitted on behalf of defendants on or about June 11, 2008. This notice of removal is filed less than 30 days following receipt by defendant, through service or otherwise, of the initial pleading setting forth the claims for relief upon which plaintiff's action is based.

6. Upon filing of this notice of removal, a copy shall be filed with the Clerk of Court, Second Judicial Circuit, Lincoln County, South Dakota, and served upon the opposing parties or their counsel as provided by law.

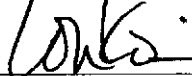
7. Attached to this notice is a copy of all process, pleadings, and orders served upon the defendants in this action.

8. Defendant does not waive any defense of any kind that it may have in this action as all such defenses are being specifically reserved.

This court has jurisdiction to consider this notice pursuant to 28 USC § 1446, and therefore, by filing this notice of removal and by service of copies of the same upon counsel of the plaintiff and the Clerk of Court, Second Judicial Circuit, Lincoln County, South Dakota, this action is removed to the above-captioned United States District Court pursuant to law.

Dated this 8 day of July, 2008.

MAY & JOHNSON, P.C.

By 

Lon J. Kouri

4804 South Minnesota Avenue

P.O. Box 88738

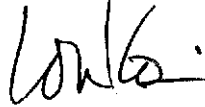
Sioux Falls, SD 57109-8738

(605) 336-2565 Fax: (605) 336-2604

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **Notice of Removal** was served on Samuel M. Goodhope, Moore Rasmussen, Kading & Kunstle, LLP, PO Box 2618, 2415 W. 57th Street, Sioux Falls, SD 57101-2618, attorneys for Plaintiff; by mailing said copy to ~~him~~ at the foregoing addresses by United States mail, first class, postage prepaid thereon, this 8th day of July, 2008.



Lon J. Kouri